

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

versus

WILMAR RENE DURAN GOMEZ

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§

CRIMINAL NO. H-10-459

**DEFENDANT’S MOTION FOR EXTENSION OF TIME
TO FILE MOTION REGARDING CONSTITUTIONALITY OF THE DEATH
PENALTY**

TO THE HONORABLE JUDGE HOYT:

COMES NOW WILMAR RENE DURAN GOMEZ, Defendant herein, by and through his attorney of record, Neal Davis, III, and hereby makes this motion for extension of time to file his motion regarding the constitutionality of the death penalty in this case and for good cause would show the Court the following:

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The defendant was ordered by the Court to file a motion/ brief regarding the constitutionality of the death penalty by May 30, 2017. Counsel an extension of time of two (2) weeks to edit and finish the final draft of the motion. Counsel has been busy with other matters while working on Mr. Duran Gomez’s motion including a state death penalty case (*State of Texas v. Ronald Haskell*) and two other state non-death capital murder cases (*State of Texas v. Frederick Foster* and *State of Texas v. Charles Henderson*). Counsel will need no more than two weeks to finish and file his motion/ brief. Counsel requests a deadline of June 13, 2017.

II

Counsel has spoken with the Assistant United States Attorney in this cause, James Nelson,

who stated that he is not opposed to the filing of this motion.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests an additional two weeks (deadline of June 13, 2017) to file the defendant's motion regarding the constitutionality of the death penalty.

Respectfully submitted,

/s/ Neal Davis, III
NEAL DAVIS, III
Texas State Bar #24038541
Federal Bar # 706329
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Houston, TX 77002
(713) 223-5575
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant's Motion for Extension of Time to File** was delivered via electronic filing to the Assistant United States Attorney in this cause on May 30, 2017.

/s/ Neal Davis, III
NEAL DAVIS, III

CERTIFICATE OF CONFERENCE

Counsel has spoken with the Assistant United States Attorney in this cause, James Nelson, who stated that he is not opposed to the filing of this motion.

/s/ Neal Davis, III
NEAL DAVIS, III